

TOWN OF TREMONT  
PUBLIC HEARING  
TREMONT BOARD OF SELECTMEN  
TREMONT COMMUNITY BUILDING  
MONDAY, MAY 16, 2005  
6:00 PM

The Tremont Board of Selectmen held a Public Hearing to consider an application for a new On-Premise Liquor License for Fair Oaks East Inc., Ann's Point Road, Tremont. Present were: Acting Chairman Steve Harper, Selectmen Charlie Dillon, Kathi Thurston, Heath Higgins, Town Manager Millard Billings, and Recording Secretary Debbi Nickerson.

Members of the public present were: Philip and Lesley DeVirgilio, George Urbanneck, Mark Good – Islander, Laurie Schreiber – Bar Harbor Times, County Commissioner Faye Lawson, Hancock County Sheriff Bill Clark, and Mel Atherton.

Acting Chairman Harper opened the Public Hearing at 5:59 PM. Selectman Kathi Thurston asked the DeVirgilio's about a discrepancy on the Liquor License Application. Mr. DeVirgilio agreed there was a discrepancy and agreed to correct the problem. The Public Hearing was closed by Acting Chairman Harper at 6:04 PM.

TOWN OF TREMONT  
REGULAR SELECTMEN'S MEETING  
TREMONT COMMUNITY BUILDING  
MONDAY, MAY 16, 2005  
IMMEDIATELY FOLLOWING THE PUBLIC HEARING

1. CALL TO ORDER

The meeting was called to order by Acting Chairman Steve Harper at 6:05 PM.

2. ROLL CALL

Present were: Acting Chairman Steve Harper, Selectmen Charlie Dillon, Kathi Thurston, Heath Higgins, Town Manager Millard Billings, and Recording Secretary Debbi Nickerson.

Members of the public present were: Philip and Lesley DeVirgilio, George Urbanneck, Mark Good – Islander, Laurie Schreiber – Bar Harbor Times, County Commissioner Faye Lawson, Hancock County Sheriff Bill Clark, and Mel Atherton.

3. ELECTION OF OFFICERS/ADOPTION OF POLICIES

Selectman Kathi Thurston suggested waiting until a full board was present to elect officers.

**Motion** made by Selectman Kathi Thurston, with second by Selectman Heath Higgins, to wait until a full board was present to elect officers. Motion passed by a show of hands 4-0.

**Motion** made by Selectman Charlie Dillon, with second by Selectman Heath Higgins, to accept the “Policy on Treasurer’s Disbursement Warrants” and the “Order of Municipal Officers” (see attached). Motion passed by a show of hands 4-0.

**Motion** made by Selectman Charlie Dillon, with second by Selectman Heath Higgins, to accept the “General Policies of the Board of Selectmen” (see attached). Motion passed by a show of hands 4-0.

4. ADJUSTMENTS/ADOPTION FO AGENDA

None

5. APPROVAL OF MINUTES

**Motion** made by Selectman Charlie Dillon, with second by Acting Chairman Steve Harper, to accept as written the Minutes from April 11, 2005. Motion passed by a show of hands, 2-0-2. Selectmen Kathi Thurston and Heath Higgins abstained; they were not present at the meeting.

**Motion** made by Selectman Charlie Dillon, with second by Acting Chairman Steve Harper, to accept as written the Minutes from April 25, 2005. Motion passed by a show of hands, 2-0-2. Selectmen Kathi Thurston and Heath Higgins abstained; they were not present at the meeting.

6. APPROVAL OF WARRANTS

Warrant 138	4,065.73
Warrant 139	187.23
Warrant 140	4,479.35
Warrant 141	504.00
Warrant 142	4,280.15
Warrant 143	4,970.67
Warrant 144	25,998.53
Warrant 145	53,515.16
Warrant 146	8,301.38

**Motion** made by Selectman Charlie Dillon, with second by Acting Chairman Steve Harper, to approve Warrants 138 – 142. Motion passed by a show of hands 2-0-2. Selectmen Kathi Thurston and Heath Higgins abstained; they were not Selectmen when the warrants were created.

**Motion** made by Selectman Charlie Dillon, with second by Selectman Heath Higgins, to approve Warrants 143 – 146. Motion passed by a show of hands 4-0.

7. POLICE PROTECTION

Sheriff Bill Clark explained, “The official contract is a document that’s outlined in the statute. Basically it asks us to articulate in the document everything from what kind of services we are going to provide, what the cost of the services will be and so on. Basically what we are proposing is to simply sell, on an hourly basis, to the Town of Tremont law enforcement patrol services. What we are proposing is no less than 30 hours a week, for an hourly rate. For that we are going to try to provide in four evening shifts, occasionally we may have to do that in three 10 hour shifts, but mostly there will be four 7 ½ hour shifts. One of those shifts will always be on either a

Friday or a Saturday night and when ever possible it will be on both nights, knowing that that's the busiest times of the week. And it will always be a full time patrolling deputy providing those services . . . At some point either the Selectmen and myself with Millard or Millard and I will sit down and talk about particulars. . . The contract that I'm proposing for you people tonight is simply a minimum of 30 hours a week provided by a full time deputy when ever you want to start at a cost of \$44 an hour until the end of the year and then it will increase at that point to \$47." Acting Chairman Harper asked, "Will it be the same deputy all the time?" Sheriff Clark replied, "No, it will be a different deputy. . . I'm proposing that we spread the work of this contract around amongst all the evening patrol deputies so they all have a share in this. . . We will have several deputies who know much more then they would if we had only one person down here." Acting Chairman Harper asked, "Do you feel 4 days, 7 ½ hour shifts is enough?" Sheriff Clark answered, "That's up to you people." Acting Chairman Harper asked if we could get more coverage in the summer. Sheriff Clark replied, "You can get more this summer, but the thing is it may not be the \$44 in the contract. It might be the \$35 we always offer as far as getting a part-time deputy to come down or a deputy on overtime . . . some day you may want a deputy down here for the day instead of evening. With notice we can pull that guy back and accommodate that need. And that's something Millard and I can work out with just a telephone call." Town Manager Billings asked if we could have a deputy for 40 or 45 hours a week for six months in the summer and 20 hours a week for six months in the winter. Sheriff Clark said he'd have to go back and look at it. He went on to say he'd be glad to go back and look into 35 hours during the summer and 25 hours during the winter. Selectman Thurston asked if "Mutual Aid" allowed us ". . . to pick up the phone and call the Sheriff's Department and say we have a problem. Can you then call Southwest Harbor or somebody and say they need help?" Sheriff Clark replied, "No. When we have a person assigned to Tremont under this contract and he's down here working, he's going to take all the complaints that come in while he's here. But when we don't have somebody, then we have to revert back to what we call a "Call Share Agreement" with the State Police and that means whoever is assigned to this patrol slot will get the complaint." He went on to explain "Mutual Aid" means the initial responder assigned to the Town of Tremont (the Sheriff's Department or the State Police) can call for assistance from another agency, but the other agency can not take our complaints and be "First Responders". Another agency does not have the authority to arrest someone in the Town of Tremont; they have the authority to back up what ever agency does have the authority. George Urbanneck asked, "Would it be 2 or 3 rotated through, or would it be 10 or 12?" The response was 5. Town Manager Billings asked if the Sheriff's Department was looking to take on other communities. Sheriff Clark said, "If this works and we can make it work recouping the costs (of the academy over 2 or 3 years of the contract), yes I wouldn't have any problem providing this to other communities." Acting Chairman Harper asked, "How soon can we have someone in place?" "Real soon," was Sheriff Clark's response. Selectman Thurston asked, "Can we make a commitment tonight?" Acting Chairman Harper agreed. Selectman Dillon said, "I understand this contract has to be for one year." Sheriff Clark replied, "No. There is a 30 day written notice on the contract." He went on to explain the contract can be

cancelled by either the Town or the Sheriff. Mel Atherton asked, "Is it possible under this contract to adjust the times when the officer will be coming through town?" Yes was the answer.

**Motion** made by Selectman Kathi Thurston, with second by Selectman Heath Higgins, we contract with Hancock County for law enforcement provided by Hancock County Sheriff's Department, minimum of 30 hours a week, the final logistics of it worked out between the Town Manager and the Sheriff. Motion passed by a show of hand 4-0.

The Sheriff asked the Selectmen to sign two original contracts. The Commissioners, at a special meeting, will sign both contracts. Hancock County will keep one; the Town will keep the other. Sheriff Clark told the board he would keep Town Manager Billings informed of the progress, and "hopefully something will be in place by Memorial Day."

## 8. NEW BUSINESS

### A. APPLICATION FOR FIRST TIME LIQUOR LICENSE

Application for new Liquor License for Fair Oaks East, Inc., owners Philip and Lesley DiVirgilio. Selectman Higgins asked, "Is this for in-house only – no outside sales to the public?" Mr. DiVirgilio explained they are opening a Bed and Breakfast on Ann's Point Rd. and would like to sell wine to their guests.

**Motion** made by Selectman Heath Higgins, with second by Selectman Kathi Thurston, to accept this application for a Liquor License for Fair Oaks. Motion passed by a show of hands 4-0.

### B. REFERRING LAND USE VIOLATIONS TO TOWN ATTORNEY

Request to refer three land use violations to the Town Attorney for corrective action.

**Motion** made by Selectman Charlie Dillon, with second by Selectman Heath Higgins, to refer the Donald Murphy violations to the Town Attorney. Motion passed by a show of hands 4-0.

### C. RESIGNATIONS

**Motion** made by Selectman Charlie Dillon, with second by Selectman Kathi Thurston, to accept Northwood Kenway's resignation from the Harbor Committee. Motion passed by a show of hands 4-0.

**Motion** made by Selectman Heath Higgins, with second by Selectman Kathi Thurston, to accept effective July 1, 2005 Bruce MaQuaid's resignation as Harbor Master. Motion passed by a show of hands 4-0.

### D. APPOINTMENTS

**Motion** made by Selectman Charlie Dillon, with second by Selectman Heath Higgins, to accept Gary Geaghan's 1 year appointment as Assessor. Motion passed by a show of hands 4-0.

**Motion** made by Selectman Charlie Dillon, with second by Selectman Heath Higgins, to accept Millard Billings as CEO/LPI for 1 year. Motion passed by a show of hands 4-0.

**Motion** made by Selectman Charlie Dillon, with second by Selectman Heath Higgins, to accept Millard Billings as Town Manager, Treasurer, Tax Collector, Road Commissioner and General Assistance Administrator for 1 year. Motion passed by a show of hands 4-0.

**Motion** made by Selectman Charlie Dillon, with second by Selectman Heath Higgins, to appoint McKenzie Clough Town Clerk, Deputy Tax Collector, Deputy Treasurer for 1 year. Motion passed by a show of hands 4-0.

**Motion** made by Selectman Charlie Dillon, with second by Selectman Heath Higgins, to appoint Heidi Farley as Deputy Clerk for 1 year. Motion passed by a show of hands 4-0.

**Motion** made by Selectman Charlie Dillon, with second by Selectman Heath Higgins, to appoint Janet Patton as Registrar of Voters for 2 years. Motion passed by a show of hand 4-0.

**Motion** made by Selectman Charlie Dillon, with second by Selectman Heath Higgins, to appoint Elisa Friel-Mosenteen to Animal Control Officer for 1 year. Motion passed by a show of hands 4-0.

**Motion** made by Selectman Charlie Dillon, with second by Selectman Heath Higgins, to appoint Elliott Spiker for Acadia Disposal District for 1 year. Motion passed by a show of hands 4-0.

**Motion** made by Selectman Charlie Dillon, with second by Selectman Heath Higgins, to appoint Keith Higgins as Emergency Management Director for 1 year. Motion passed by a show of hands 4-0.

**Motion** made by Selectman Charlie Dillon, with second by Selectman Heath Higgins, to appoint Teri Lanpher as Health Officer for 1 year. Motion passed by a show of hands 4-0.

**Motion** made by Selectman Charlie Dillon, with second by Selectman Heath Higgins, to appoint Harvey Kelley to Bass Harbor Library Trustee for 1 year. Motion passed by a show of hands 4-0.

E. ESTABLISH A CAP FOR MONEY REQUESTS TO NEED APPROVAL OF THE CIP COMMITTEE

Town Manager Millard Billings asked the Select Board to clarify what he should send to the CIP Committee. Selectman Kathi Thurston asked Selectman Charlie Dillon, "What do they [the CIP Committee] do?" Selectman Charlie Dillon

replied, “. . . to provide long range financial planning for the Town.” Selectman Thurston asked, “If somebody comes to Millard, with a request for something, it goes to the CIP Committee?” Selectman Dillon said, “The CIP Board is just an advisory board. All we do is make recommendations to the Selectmen.” Town Manager Billings asked, “Is the CIP Committee just for public owned buildings, equipment and land? Or is it for all monetary requests?” Selectman Dillon wondered if the Town should contact MMA. Acting Chairman Harper agreed. Selectman Charlie Dillon said, “I’m just a little leery about giving a blank check to the Volunteer Fire Department without any accountability. According to this statute we have none.” Town Manager Billings asked, “Let’s get back on to the cap for the CIP Committee, and what goes to the CIP Committee weather its public or all money articles. If you pick \$25,000, do you want everything that’s over \$25,000 and a Town owned public expenditure or do you want everything that’s over \$25,000?” Selectman Dillon said, “I think it has to be Town owned.” Chairman Harper agreed. Selectman Higgins asked, “Is the CIP Committee coming up with their own By-laws and guidelines?” Selectman Dillon said, “We’ve been using formats and guidelines from different towns.” Town Manager Billings asked, “Did the CIP Committee work on the Wharf? Or was that strictly the Harbor Committee?” Mel Atherton responded, “It was a Wharf Committee first then it went to the Harbor Committee.” Selectman Dillon pointed out the Wharf was before the CIP Committee. Selectman Thurston suggested a Workshop between the Selectmen and the CIP Committee.

**Motion** made by Selectman Charlie Dillon, with second by Selectman Heath Higgins, to table this until we have a joint Selectman/CIP Workshop. Motion passed by a show of hands 4-0.

F. MDOT PROPOSED WORK PLAN

Town Manager Millard Billings gave the Selectmen a work sheet and down loaded information from the DOT (see attached).

G. REQUEST FROM LIBRARY TO SPEND \$3,612.66

**Motion** made by Selectman Charlie Dillon, with second by Selectman Heath Higgins, to give the Library permission to spend \$3,612.66. Motion passed by a show of hands 4-0.

**Motion** made by Selectman Charlie Dillon, with second by Selectman Heath Higgins, to apply any of their unexpended moneys. Motion passed by a show of hands 4-0.

H. CEMETERY MOWING, BIDS OR THIRD EMPLOYEE

Town Manager Millard Billings asked for authority to advertise for a third employee for Public Works as well as Cemetery Mowing Bids.

**Motion** made by Selectman Heath Higgins, with second by Selectman Charlie Dillon, to give Town Manager Millard Billings authority to advertise and pursue both avenues. Motion passed by a show of hands 4-0.

I. PROCEED WITH BIDS FOR ROAD WORK ON CAPE ROAD AND TURNER ROAD

Town Manager Millard Billings explained that these roads need ditching and shoulder work before paving and the blasted ledge from the new office site can be used for Rip Rap.

**Motion** made by Selectman Charlie Dillon, with second by Selectman Heath Higgins, to give Town Manager Millard Billings the authority to move some of the Rip Rap from the New Town Office Site to the Turner Road and the Cape Road to repair what we are going to do by dynamiting. Motion passed by a show of hands 4-0.

J. REC BOARD FOR SCHOLARSHIP AND TRAIL

Town Manager Millard Billings informed the Board that the Rec Board requested to be tabled for tonight.

9. OLD BUSINESS

None

10. TOWN MANAGERS REPORT

A. Quarterly Reports for the Harbor Committee

Town Manager Millard Billings informed the Board, "In your packets are copies of:

1. Quarterly Reports for the Harbor Committee – Wharf Expenses/Wharf Income, Harbor Income/Harbor Expenses.
2. An Administrative Appeal to the Board of Appeals has been filed by Art Paine on a permit issued by the CEO. Hearing is scheduled for June 2<sup>nd</sup>.
3. There is an elected official's workshop sponsored by MMA. It's being offered in Orland on May 24<sup>th</sup> if any one is interested in going." Selectmen Kathi Thurston and Heath Higgins both asked to be signed up.

11. SUGGESTIONS/COMMENTS FOR NEXT MEETING

Selectman Charlie Dillon suggested, "There will be a CIP Meeting the first Monday in June, which will be the 6<sup>th</sup>, and I wonder if we shouldn't consolidate it." Acting Chairman Steve Harper agreed and a joint workshop between the CIP Committee and Selectmen will be held on June 6<sup>th</sup> at 5:00 PM.

12. OTHER

Selectman Kathi Thurston said, "The Town float in Bass Harbor, down by the Ferry Terminal, is sitting on the rock. . . At Low Tide the float is sitting on the rocks."

Town Manager Millard Billings explained, "The float is starting to rack. As you walk down the ramp, there is a chain that goes from the left side of the float under the ramp and there is a chain that goes from the right side under the ramp the opposite direction. If one was lengthened and one was shortened it would twist it a little bit and would get it off the rocks. Bruce is going to look into that."

Town Manager Billings also informed the Selectmen there was a problem with the Wharf Garage Furnace. David Kelley had called to say the top of the furnace was

hot. Reed's was called and the fire box has a crack in it. Reed's will be replacing the furnace.

Selectman Charlie Dillon asked about the Police Advisory Committee. Town Manager Billings explained, "The Police Advisory Committee was part of the State Police Contract. . . It was a requirement of the State Police Contract with the Town that the Town form a Police Advisory Committee. The State Police came and met with the Police Advisory Committee once a month. . . If we don't have a contract with the State Police there is no need of the Police Advisory Committee."

13. SET DATE FOR NEXT MEETING

June 6, 2005 at 6:00 PM after the Workshop with the CIP Committee.

14. ADJOURN

**Motion** made by Selectman Charlie Dillon, with second by Selectman Kathi Thurston, to adjourn. Motion passed by a show of hands 4-0. The meeting was adjourned at 8:37 PM.

Respectfully Submitted,  
Debbi Nickerson

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Kathi Thurston

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Steve Harper

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Scott Grierson

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Charlie Dillon

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Heath Higgins